

**IN THE HIGH COURT OF UTTARANCHAL AT
NAINITAL**

Writ Petition No. 4073 (S/S) of 2001
(Old Number No. 10279 of 1994)

U.P. PWD Employees Union,
10 Vidhan Sabha Marg, Lucknow
through Sri Briendra Singh Bhadari,
State Secretary of the Union and 35 others.**Petitioners**

Versus

1. State of U.P. through Secretary, Public Works Department, Government of U.P., Vidhan Bhawan, Lucknow.
2. The Chief Engineer, Public Works Department, Garhwal Mandal, District-Pauri Garhwal.
3. The Superintending Engineer, 27th Circle, Public Works Department, District – Tehri Garhwal.
4. The Executive Engineer, Thattude Division, Public Works Department, District-Tehri Garhwal.

.....**Respondents**

Hon'ble M.M. Ghildiyal, J.

No one is present on behalf of the petitioner. Sri Paresh Tripathi, learned standing counsel for State of Uttaranchal, is present on behalf of the respondents.

By means of this writ petition, the petitioner has prayed for following reliefs:

- (i) *issue a writ, order or direction in the nature of Mandamus commanding the respondents to pay Hill allowance to the petitioners no. 2 to 36 in terms of the Office Order dated April 06, 1981 (Annexure 2 to this petition) and office order no. 107-WC, dated Lucknow 9.1.1979 and its enclosures (Annexure -3 and 3 and 3A respectively to this writ petition).*

(ii) *Issue any other writ, order or direction, which this Hon'ble Court may deem fit and proper in the circumstance of the case.*

(iii) *Award the costs of this petition to the petitioner*

The submission of the petitioners is that petitioners may be paid Hill Allowance in pursuance to the order passed by respondents dated 06.04.1981 (Annexure No. 2 to the writ petition) and order dated 09.01.1979(annexure no. 3 and 3A to the writ petition).

Annexure no. 2 to the writ petition order dated 06.04.1981 nowhere speaks about Hill Allowance to be paid to work charge employee of Public Works Department. By the aforesaid order it reveals that Dearness allowance and Additional Dearness Allowance of the work charge employees has been increased. So far as order dated 09.01.1979 which is Annexure No. 3 to the writ petition is concerned last para of the list attached to the said order provides that the Hill Allowance shall be paid on the same terms and conditions, in the Districts –Dehradun, Tehri, Pauri and Nainital and others districts as is payable to regular employees of Public Works Department. The order date 09.01.1979 pertains to revision of monthly payment to be made to the employee working under works Charges Establishment.

From the perusal of the record it appears, Hill allowance has been paid to the petitioners till 1993, however, after 1993 the said allowance was stopped.

In the counter affidavit filed by respondents it is submitted in paragraph 5 that petitioners are not entitled for Hill allowance as they were not regular employees of the department. In paragraph 6 of the counter affidavit, it is submitted that the Aniyamit Karya Prabharit Karamchhari of the Department are not entitled to get payment of Hill allowance.

Learned standing counsel has submitted that earlier order which provides Hill allowance that too was in relation to regular work charge employee and not for irregular employees working under Work Charge Establishment.

Petitioners have nowhere stated they are regular work charge employees. In the circumstance, I do not find any merit in the case, as such, writ petition is dismissed. No order as costs.

(M. M. Ghildiyal, J)

May 18, 2006

SKSharma